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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,352	01/31/2001	Kenneth Carroll	CRL/002	4024

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EXAMINER

TRAN A, PHI DIEU N

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 12/18/2002

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,352

Applicant(s)

CARROLL, KENNETH

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 12-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are confusing in scope. The preamble of the claims appear to the a building structure being a subcombination with the anchor. But, the claim language appears to claim otherwise; for example, claim 12 last 2 lines “that clamps the building structure between collar and members”.

Other claims have similar problems.

For purpose of examination, the claims are thus treated as combination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Freeman (4245545).

Per claims 1-3, 5-6, 10-11, Freeman (figures 11-12) shows an anchor for providing an attachment point on a building structure, the anchor having a center shaft (57) having an

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attachment (35), a piercing end (55) adapted to pierce through the building structure, the piercing end terminates in a point or knife edge, the piercing end being removable from the center shaft (col 1 line 46), the attachment end comprising a ring (59), the attachment end being removable from the center shaft (figure 12), the first and second member each including an end that meet to form a point that extends beyond the piercing end of the shaft when the first and second member being in the first position, a spring biases at least one of the members away from the shaft (col 2 line 18).

Per claims 7-9, 12-17, the anchor comprising a collar (59) slidably disposed on the shaft, the collar having means for fixing the collar along the shaft, the means being threads, the members rotating between first position proximate the shaft and the second position orthogonal to the shaft (figures 2-3).

3. Claims 1, 12, 18, 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Longley et al (2911859).

Longley et al (figures 5-6) shows an anchor for providing an attachment point on a building structure comprising a center shaft (26) having an attachment end (86), and a piercing end (94) adapted to pierce through the building structure, a first and second member (91, 92) pivotally coupled to the center shaft, a collar (95) slidably disposed on the center shaft and movable to a position that clamps that building structure between the collar and the members, the attachment end having a ring (82), the attachment end being adapted to provide an attachment point for a tether line, safety line or hauling line (certainly capable of being adapted to do so).

4. Claims 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Grimes (1169635).

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Grimes (figures 1-2) shows an anchor having a center shaft (22, 21, 25) having a first end and a second end, a ring (the ring part attached to 25) disposed on the first end, a first and second member (19) pivotally coupled to the center shaft, the members rotatable between a first position proximate the shaft and a second position away from the shaft, a collar (10) slidably disposed on the center shaft, the collar and the first and second members sandwiching the building structure therebetween when the first and second members being in the second position and the collar being slid away from the ring (figure 2 shows the ring and the shaft 24 being further from the collar), a means (15) coupled to the collar for fixing the collar in an axial position relative to the shaft, the first and second member each having an end that meet to form a point that extends beyond the end of the shaft when the members are in the first position.

Response to Arguments

5. Applicant's arguments with respect to claims 1-3,5-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different anchoring device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Phi Dieu Tran A *PA*
December 13, 2002

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

